

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 1624

In re  
Patent Application of

Niall Morrison Barr Martin, et al.

Application No. 10/021,506

Confirmation No.: 8516

Filed: October 30, 2001

Examiner: Ward, Paul V.

"PTHALAZINONE DERIVATIVES"

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I, Tracy Bruesewitz, hereby certify that this correspondence is being electronically filed with the U.S. Patent and Trademark Office, on the date of my signature.

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Date of Signature

**REQUEST FOR REFUND**

Dear Sir or Madam:

Applicants request a refund of \$1520.00 (\$500.00 for the Notice of Appeal fee + \$1020.00 for the three-month Extension of Time fee) that was charged to Applicants' Representatives' Deposit Account No. 50-0842 on May 22, 2006. Enclosed is a copy of the Deposit Account Statement for May 2006.

The refund is requested because the above fees were necessitated by delays at the Office. The Final Office Action for the application was mailed November 21, 2005. Applicants responded on February 2, 2006 and placed the claims in condition for allowance. The only issue remaining was a provisional obviousness-type double patenting rejection over a later-filed copending application. In an advisory action mailed March 10, 2006, the examiner improperly maintained the provisional obviousness-type double patenting rejection. Applicant's representative had several discussions with both the examiner and his supervisor regarding the improper provisional obviousness-type double patenting rejection. Although the supervisor agreed that the provisional rejection should have been withdrawn several weeks before May 22, 2006, the examiner failed to timely mail a Notice of Allowability. Thus, Applicants were forced to file a Notice of Appeal and three-month Extension of Time on May 22, 2006 in order to maintain the pendency of the application. The Notice of Allowability was not mailed until June 1, 2006, more than six months after the Final Office

action was mailed. This was beyond Applicants' control, and therefore, it is manifestly unfair to require Applicant to bear the above-noted costs.

In view of the circumstances described above, Applicants respectfully request a refund in the amount of \$1520.00. Please credit Deposit Account No. 50-0842 in this amount.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charlene L. Yager", with a stylized, flowing script.

Charlene L. Yager  
Reg. No. 48,887

File No. 065435-9009-US00  
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**Deposit Account Statement**

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**Attention:** ACCOUNTS PAYABLE  
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**City:** MADISON  
**State:** WI  
**Zip:** 53701-1806  
**Country:** UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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BALANCE	CHARGES	REPLENISH	BALANCE
\$10,077.00	\$12,085.00	\$26,799.00	\$24,791.00

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